

**MEDICAL LICENSING BOARD OF INDIANA  
INDIANA GOVERNMENT CENTER SOUTH  
402 WEST WASHINGTON STREET  
ROOM W064  
INDIANAPOLIS, INDIANA 46204**

**MINUTES OF MAY 24, 2007**

Worthe Holt, J.R., M.D., President called the meeting to order at 9:15 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present:       Worthe Holt, Jr., M.D., President  
                                  N. Stacy Lankford, M.D.,  
                                  Navin Barot, M.D., Secretary  
                                  Thomas Akre, D.O.  
                                  Stephen Huddleston, J.D., Consumer Member  
                                  Bharat Barai, M.D.  
                                  William Beeson, M.D., Vice President

Staff Present:           Michael Rinebold, Board Director  
                                  Professional Licensing Agency  
                                  Jody Edens, Assistant Board Director  
                                  Professional Licensing Agency  
                                  James Schmitt, Deputy Attorney General  
                                  Office of the Attorney General  
                                  Gordon White, Deputy Attorney General  
                                  Office of the Attorney General

The Board voted to adopt the agenda and addendum as amended.

Barot/Huddleston 6/0/0

The Board voted to adopt the minutes of the April 26, 2007 meeting.

Barai/Huddleston, 6/0/0

The Board voted to adopt amendments to the February 22, 2007 minutes.

Huddleston/Akre, 6/0/0

(Dr. Lankford was not in attendance for the above votes)

## **PERSONAL APPEARANCES**

### **INITIAL APPLICANTS**

The following appeared before the full Board for their scheduled personal appearance.

**Jerrold Black, M.D.** – Dr. Black appeared before the Board concerning a positive response on his initial application and was not represented by counsel. Dr. Black explained his malpractice action to the Board. After discussion the Board moved to APPROVE Dr. Black for issuance.

Barai/Huddleston, 7/0/0

**Islam Bolad, M.D.** – Dr. Bolad did not appear for his scheduled personal appearance.

**James Otto Johnson, M.D.** – Dr. Johnson appeared before the Board regarding his education listed on his application for licensure and was represented by Brian Betner. Dr. Johnson graduated from Saba Medical School. He completed all of his rotations in the U.S. and has been accepted for a fellowship position at St. Vincent's Hospital. He has completed his general surgery and family practice residency for the past seven (7) years. Saba is on Indiana's questionable Foreign Medical School list.

The Board moved to table this matter for further information concerning the Fellowship at the April meeting to allow Dr. Johnson time to obtain information on whether the fellowship program he was hoping to enter was affiliated with IUSOM. The program is not affiliated with the IUSOM.

Dr. Johnson has done seven (7) years of residence in North Carolina. He was Chief Resident and he is currently Board eligible.

Dr. Anand Patel was present on behalf of Dr. Johnson. He is the heard of the fellowship program and indicated that Dr. Johnson has been accepted into the program pending his licensure.

Mr. Betner presented the following information about Dr. Johnson to show his exceptional qualifications:

- Well published general surgeon

- 7 years residency
- Strong recommendation letters
- Board eligible
- Taught Medical school lectures
- Taught Physician Assistant school lecture
- Will introduce new surgical techniques to rural and underserved areas.

After discussion the Board APPROVED a limited permit for a one year period (July 1<sup>st</sup> through June 30<sup>th</sup>). Dr. Johnson has shown he is educated in a unique area and wishes to explore educational venues.

Before the permit may be issued the Board requested that Dr. Johnson submit curriculum documentation of the program. This must be reviewed and approved by a Board member and Mr. Rinebold before the permit may be issued. A controlled substance registration may also be issued.

Barai/Huddleston, 4/0/3, with Dr's. Lankford, Beeson and Akre abstaining

**Stephen Oppenheimer, M.D.** – Dr. Oppenheimer appeared before the Board requesting a waiver of the ECFMG requirement for initial licensure and was not represented by counsel. Dr. Oppenheimer is licensed in eight (8) states; has published over two-hundred (200) papers and is a member of many associations. He took the LMCC examination and attended London Medical school. He works for Sentie Medical Systems. They have four (4) other Neurologists and Anesthesiologists on staff. There are others that currently hold an Indiana license at his place of employment therefore it is not hindering patient care if Dr. Oppenheimer isn't granted the waiver for licensure.

After discussion the Board gave Dr. Oppenheimer the option to withdraw his application. Dr. Oppenheimer thanked the Board and requested to withdraw his application for licensure. The Board moved to APPROVE the withdrawal of the application.

Barai/Huddleston, 7/0/0

**Hakan Tunca, M.D.** – Dr. Tunca appeared before the Board regarding his positive response on his initial application and was not represented by counsel. He discussed his malpractice information with the Board.

After discussion the Board moved to APPROVE Dr. Tunca for issuance.

Lankford/Holt, 7/0/0

## **ADMINISTRATIVE HEARINGS**

### **Andrew R. Wyant, M.D., License No. 01045516A, Cause No. 2004 MLB 0025**

Respondent did appear in person and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Mark Mader, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Any Rutledge Reporting.

Michael Rinebold, Board Director and Dr. Fred Frick, ISMA were sworn in as witnesses for the Respondent.

Mr. Rinebold testified that he has reviewed Dr. Wyant's probation file and he has met all the terms of his probation. He is in compliance with the Board's order.

Dr. Frick submitted a letter to the Board indicating Dr. Wyant's compliance with his ISMA contract.

His sobriety date is November 21, 2001 and he is currently employed in Vincennes, Indiana as an Ob/Gyn.

After having considered the evidence presented, testimony of the witnesses and taking official notice of its file in the matter the Board moved to WITHDRAW the order of probation.

Beeson/Akre, 6/0/0

(Dr. Lankford was out attending a settlement conference)

### **Kevin Smith, P.A., License No. 10000208A, Cause No. 93 MLB 0012**

Respondent appeared before the Board and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge reporting.

Candace Backer, ISMA; Michael Rinebold, Board Director; Steven Burns, M.D.; and Dave Singer were all sworn in as witnesses for the Respondent.

Mr. Smith indicated to the Board that he currently attends 4-5 AA meetings per week and his sobriety date is May 21, 2002.

Dr. Burns testified that he is Mr. Smith's supervising Physician and has worked with him for the past ten (10) years. He has been following Kevin's sobriety for the group for the last few years. He stated that Kevin is very compassionate, prompt P.A. He has not seen any evidence of relapse.

Dave Singer is Kevin's sponsor and is an alcoholic himself. He testified that Kevin has rebuilt a relationship with his family and kids. He is a great example of recovery.

Ms. Baxter testified that Kevin signed a recovery monitoring contract in August 2002. He went to Mississippi for a ninety (90) day in-care treatment program. He completed a total of 9 months treatment in-care and after care with the Mississippi program. He has been 100% compliant with his contract. She is very confident he can do this and recommends his probation be withdrawn.

Mr. Rinebold testified that Kevin has met all terms of his probationary order.

After having considered the evidence presented, testimony of the witnesses and taking official notice of its file in this matter the Board moved to WITHDRAW the order of probation.

Barai/Holt, 6/0/1, with Dr. Lankford abstaining  
(Dr. Lankford rejoined the meeting in the middle of the hearing)

**Warrick Lee Barrett, M.D., License No. 01031033A, Cause No. 2004 MLB 0003**

Respondent did appear in person and was represented by Peter Pogue regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Mark Mader and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge reporting.

Michael Rinebold, Board Director was sworn in as a witness for the State and John C. Johnson, M.D. was sworn in as a witness for the Respondent.

He currently works in Occupational Medicine at Midal Steel Company. He wishes to be recertified in his Boards and cannot do so with a probationary license.

After having considered the evidence presented, testimony of the witnesses and taking official notice of its file in this matter the Board moved to WITHDRAW the order of probation.

Beeson/Lankford, 7/0/0

**Hong Yuan Shao, D.C., Acu., License No. 81000063A, Cause No. 2007 MLB 0004**

Respondent did not appear in person and was not represented by counsel regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge reporting.

An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board by Shelley Johnson, Deputy Attorney General. The agreement included a ninety (90) day EXTENSION of the SUMMARY SUSPENSION.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Lankford/Holt, 6/0/0  
(Dr. Barai was not in attendance)

**Wei Chen Yang, D.C., Acu., License No. 81000027A, Cause No. 2007 MLB 0003**

Respondent did not appear in person and was not represented by counsel regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge reporting.

An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board by Shelley Johnson, Deputy Attorney General. The agreement included EXTENSION of the SUMMARY SUSPENSION until August 30, 2007.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Lankford/Huddleston, 7/0/0

**Helmut Ahlert, M.D., License No. 01059114A, Cause No. 2006 MLB 0052**

Dr. Ahlert's license is currently under Indefinite Summary Suspension. The Board moved to continue this matter.

Barai/Huddleston, 6/0/0

**Derek Lewis Tennenhouse, M.D., License No. 01059566A, Cause No. 2006 MLB 0039**

Respondent did appear in person and was not represented by counsel regarding a Petition for Reinstatement scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge reporting.

The Respondent has seen Dr. James Nocon on a weekly basis since February 28, 2007. He attended a thirty-six (36) hour CME course in professional boundaries in Georgia. He currently attends weekly meetings on professional boundaries. He has completed a total of 56 hours of CME's and does voluntary random drug screens.

He submitted his four steps that he has developed for himself to help guide him. They are:

- Recognition of risk factors
- Keep professional & personal life separate
- Accountability
- Integrity

He informed the Board that his Illinois license was suspended after his Indiana license was placed on suspension.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to Reinstate the Respondent's license and placed his license on INDEFINITE PROBATION with the following terms:

- Supervised practice
- Work agreement: Educational & Supervision over site plan must be submitted to the Board for approval
- Supervisory reports (on performance) submitted to the Board by the 10<sup>th</sup> day of the month for the previous month
- Chaperone must be in attendance for all female patients and must sign the record
- 50 hours category 1 CME's for each year while on probation
- Monthly personal appearances with the Board
- 200 hours community service
- May not request modification of order for twenty-four (24) months
- Pay court reporter & transcript costs
- Show cause language

Lankford/Akre, 5/0/2, with Dr's Holt and Barot abstaining

Let the record reflect that Worth Holt, M.D. abstained from this hearing.

**Terri Lynn Savage, M.D., License No. 01059566A, Cause No. 2006 MLB 0039**

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge reporting.

Dr. Savage continued to practice with an addiction problem. Her license in Ohio has been revoked.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to hold the Respondent's license in DEFAULT.

Lankford/Barai, 70/0

The Board further moved to REVOKE the Respondent's license.

Barai/Lankford, 7/0/0

### **NEW BUSINESS**

#### **Charles Canver, M.D., License No. 01060317, Cause No. 2006 MLB 0040**

Mr. Rinebold informed the Board that Dr. Canver has responded to the Notice of Proposed Default and recommends that the Board reset this matter for hearing.

The Board moved that the notice of proposed default order should not be issued that that this matter should be set for hearing.

Lankford/Holt, 7/0/0

The Board moved to approve Stephen Huddleston as the Board Designee for on-going litigation.

Holt/Akre, 7/0/0

Consideration of Re-adoption of LSA documents – continued to next month.

### **REVIEW OF INITIAL APPLICATIONS**

The Board reviewed the positive response information on the following applicants and approved them for issuance:

Ralph Hicks, M.D.	Garren Gebhardt, D.O.	Robert Gould, M.D.
Lia Kettenis, M.D.	Kenneth Lerrick, M.D.	Athihali Nagaraj, M.D.
Mark Nielson, M.D.	Richard Pearson, M.D.	Jose Pinion, M.D.

The Board reviewed a request for a waiver of the ECFMG requirements from Silvia Priori, M.D. Dr. Priori submitted a letter from Dean Brater with IUSOM. She is also internationally prominent in her field of medicine. After discussion the Board moved to grant the waiver of the ECFMG and all other pending documents. The Board granted Dr. Priori a limited license to practice only in IU facilities. She may also apply and obtain a controlled substance registration.

Beeson/Holt, 7/0/0

The Board reviewed the positive response information on the following applicants and requested that they personally appear before the Board:

Mahesh Goel, M.D.	Robert Faul, M.D.	Geoffrey Giordano, M.D.
Jeffrey Kamysz, M.D.	Lindsey Kerr, M.D.	Prem Konakondla, M.D.
Barif Opare-Addo, M.D.		

The Board reviewed William Asihene's application and request for waivers of the USMLE 7 year rule as well as the 5 attempts rule for the number of times taking the USMLE. The Board noted that Dr. Asihene has not presented any evidence of exceptional instances that indicates he is equal to or exceeds the requirements of licensure. After discussion the Board moved to DENY his application for licensure.

Holt/Barai, 7/0/0

### **DISCUSSION**

CAAM – Caribbean Accreditation Authority for Education in Medicine & other Health Professions. Standards for the Accreditation of Medical School in the CARICOM community. – Dr. Lankford visited the Caribbean facility that is now doing accreditations for foreign medical schools. The accreditation is called CAAM and it is deemed to be LCME equivalent.

Dr. Lankford suggested that in the next five (5) years if a Foreign Medical School on our questionable or unapproved list is accredited by CAAM or LCME the school will then be placed on the approved list of foreign medical schools.

He also suggested that by the end of five (5) years all Caribbean medical schools must have CAAM or LCME accreditation in order to be on our approved list. If they are not CAAM or LMCE accredited they will not be acceptable.

Dr. Beeson suggested that the documentation on CAAM be submitted to Dean Brater or Dr. Leatherman at IUSOM to have their opinion on the evaluation procedures.

If CAAM is acceptable the applicants that attended the now CAAM accredited schools will be grandfathered in for licensure purposes.

There being no further business the meeting adjourned at 4:30 p.m.

---

Worthe Holt, JR., M.D. President

---

Navin Barot, M.D., Secretary